

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 19374 of 2004

Between:

1. The Secretary to Government, Agriculture and Co-Operation
Department, Andhra Pradesh, Secretariat, Hyderabad.
2. The Commissioner and Director of Agriculture, Andhra Pradesh,
Hyderabad.
3. The Joint Director of Agriculture, Chittoor District.

..... PETITIONERS

AND

K. Kesavulu, Watchman
Office of the Agril. Officer, Pitchatur,
Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ or direction more particularly one in the nature of Writ of Certiorari calling for the records connected with order dt. 04.08.2004 in O.A.No.3051/2000 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

Counsel for the Petitioners: GP FOR SERVICES-I

Counsel for the Respondent No.: ---

The Court at the stage of admission made the following :

ORDER

(Per Sri Justice Goda Raghuram)

The respondent herein was appointed as Watchman at the Seed Stores, Pitchatoor, by proceedings dated 21.04.1980 on a temporary basis and joined service as such. He was initially paid salary of Rs.290/- per month in the time scale of last grade service. The pay was raised from time to time. Pursuant to the orders of the Government in G.O.Ms.No.9, dated 08.01.1981, by the proceedings dated 01.03.1991 the services of the respondent and eighteen others were converted into regular last grade service, in the time scale of Rs.740-1150. However, by a subsequent proceeding in G.O.Ms.No.98, dated 01.04.1999 the service of the respondent, treating him as a daily wage employee, was again regularised pursuant to the orders of the Government in G.O.Ms.No.212, dated 22.04.1994. Consequently proceedings dated 08.04.1999 were issued treating him as a regular employee

w.e.f. 01.04.1999. As a result of the proceedings dated 01.04.1999 and 08.04.1999 the respondent lost the benefit of regularisation into last grade service w.e.f. 01.03.1991, which benefit he derived by virtue of the earlier proceedings mentioned above. He filed O.A.No.3051 of 2000 before the A.P. Administrative Tribunal seeking invalidation of the proceedings in G.O.Ms.No.98, dated 01.04.1999 and consequential proceedings dated 08.04.1999 and for a declaration that he is entitled to be treated as a regular employee in the last grade service w.e.f. 01.03.1993 with all consequential benefits.

By the order dated 04.08.2004 the Tribunal rightly came to the conclusion that the service of the respondent was already regularised pursuant to the order in G.O.Ms.No.98, dated 01.04.1999, thereby his service stood converted into a regular last grade service and that the subsequent scheme of regularisation issued in G.O.Ms.No.212, dated 22.04.1994 would not deprive the respondent of the benefits of his earlier regularisation of service.

Accordingly the A.P.A.T. allowed the O.A. and set aside the orders dated 01.04.1999 (in G.O.Ms.No.98) and 08.04.1999 while upholding the earlier proceedings of the Joint Director of Agriculture, Chittoor, dated 01.03.1991. The writ petition is directed against this order of the Tribunal.

We find no infirmity either in the reasons adduced or the conclusions recorded by the A.P.Administrative Tribunal, warranting interference in this writ petition. The writ petition is without merits and is accordingly dismissed at the stage of admission. There shall however be no order as to costs.

JUSTICE J.CHELAMESWAR

JUSTICE GODA RAGHURAM

26TH OCTOBER, 2004

PGS

To

1. K. Kesavulu, Watchman,
Office of the Agril. Officer, Pitchatur,
Chittoor District.

2. 2CD copies

*Form-NIC-OGS/WP{**JGK**}*

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE GODA RAGHURAM

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26TH OCTOBER, 2004